Office Memorandum • UNITED STATES GOVERNMENT

OGC Has Reviewed

TO : General Counsel

DATE:

FROM : Chief of Logistics

SUBJECT: Customs on Personally Owned Automobiles

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1. The Deputy Director (Plans) has requested the Logistics Office to include in applicable regulations those provisions of paragraph 8, OSO ▬▬▬▬▬ dated 1 April 1951, which state that the Agency will pay customs duty on personal automobiles in those instances wherein the individual agrees to use his vehicle for official business. This request stems from the fact that OSO Regulations have been rescinded and the paragraph referred to is no longer in force.

2. Paragraph 8 of the quoted regulation reads, as follows:

"8. Customs

    a. Customs, if any, on official, quasi-personal, or personal automobiles authorized for official use will be paid by the organization.

    b. Customs, if any, on personal automobiles other than as in paragraph 8.a. above, will be an expense to be borne by the individual concerned."

3. The propriety of establishing the payment of customs duties, as outlined above, as broad Agency policy, is questionable, except when such payment is strictly for operational reasons requiring full time official use of the personal vehicle. It would appear that any such payments should properly be made from confidential funds and that some sort of a written agreement should be entered into between the individual and the government. Therefore, it is requested that a legal decision be furnished this Office as to:

    a. Whether customs duties, as discussed herein, are properly payable by the Agency.

    b. The extent to which payable. (If duties are found to be payable.)

    c. Proper format and content of any necessary agreements. (If duties are found to be payable.)

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